



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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**NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.**

# HOUSE WEEK IN REVIEW

The House of Representatives approved and sent to the Senate **H.3267**, a bill that provides for **ADDITIONAL CIRCUIT COURT AND FAMILY COURT JUDGES**. The bill increases the number of at-large circuit court judges from 13 to 16. Also, the bill provides that there must be three additional family court judges elected by the General Assembly from the State-at-large for terms of office of six years. The bill creates a Judicial Circuit Reapportionment Study Committee to review the apportionment of the State's judicial circuits and to examine and evaluate the size of the existing judicial circuits with the goals of keeping counties whole and determining the appropriateness of having the larger counties contained within their own judicial circuits. The legislation provides for the membership and administration of the committee and requires the submission of a report and recommendations to the General Assembly and Governor by January 1, 2008.

The House amended, approved, and sent to the Senate **H.3032**, a bill creating a **HOUSE STUDY COMMITTEE TO STUDY THE APPROPRIATE ENFORCEMENT OF FEDERAL AND STATE LAWS RELATING TO THE PRESENCE OF ILLEGAL ALIENS IN THIS STATE** and to recommend legislative changes as appropriate. The bill outlines membership for the twelve-person committee. The Study Committee shall render its report and recommendations to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor no later than January 1, 2008. The Study Committee shall continue to meet after this date, if necessary, in order to make continuing recommendations to the General Assembly regarding the appropriate enforcement of federal and state laws related to the presence of illegal aliens in the State.

The House approved **S.146**, pertaining to **LAW ENFORCEMENT MULTI-JURISDICTIONAL TASK FORCES**, and enrolled the bill for ratification. This bill provides that any municipal or county law enforcement officer may be transferred or assigned on a temporary basis to work within multi-jurisdictional task forces established for the mutual aid and benefit of the participating jurisdictions. Relating to agreements between multiple law enforcement jurisdictions for the purpose of criminal investigations, this bill provides that in the event of crimes that have occurred where multiple jurisdictions are involved, law enforcement officers are authorized to exercise jurisdiction within other counties or municipalities for purposes of the criminal investigations.

The House amended, approved, and sent to the Senate **H.3490**, which establishes the **"ALCOHOL EDUCATION PROGRAM ACT."** This program may be a part of each circuit solicitor's Pretrial Intervention Program. The South Carolina Commission on Prosecution Coordination shall overview administrative procedures for the alcohol education programs in consultation with the Department of Alcohol and Other Drug Abuse Services. Alcohol education programs must include an educational and community service component. A violator of specified alcohol-related offenses (not including driving under the influence offenses) is eligible for this program if the offender is at least seventeen but less than twenty-one with no prior alcohol-related offenses or significant history of prior delinquency or criminal activity. There is a \$250 dollar fee for enrollment in the program, but the fee may be waived upon a finding of an inability to pay. If a person violates conditions of participation, the person may be terminated from

the program and the alcohol-related offense reinstated. When a person successfully completes an alcohol education program, the circuit solicitor shall effect a noncriminal disposition and there must be no record maintained of the alcohol-related offense except by the Commission on Prosecution Coordination in order to ensure that a person does not benefit from an alcohol education program more than once. The legislation provides for annual reports and periodic financial audits of alcohol education programs.

The House returned **S.408**, pertaining to a **COUNTY'S DESIGNATION FOR JOBS TAX CREDIT PURPOSES**, to the Senate with amendments. The bill revises jobs tax credit provisions, so as to provide that a county's designation may not drop more than one tier in the following year as a result of the annual ranking and designation of counties by the Department Of Revenue. The legislation also provides that, for tax year 2006 only, due to adjustments to the jobs tax credit classification as a result of legislative changes, a taxpayer has until March 31, 2007, to lock into the county classification.

The House approved and sent to the Senate **H.3212**, relating to the **HONORING OF VALID OUT-OF-STATE CONCEALABLE WEAPONS PERMITS**. This bill requires that valid out-of-state permits to carry concealable weapons held by a resident of another state be honored by South Carolina. The legislation eliminates the current provision that South Carolina honors only out-of-state permits issued by a state with which South Carolina has reciprocity.

The House amended and gave second reading approval to **H.3034**, a bill establishing new green building **ENERGY EFFICIENCY AND CONSERVATION STANDARDS FOR NEW STATE BUILDINGS** with construction budgets exceeding fifteen million dollars. These new standards do not apply to: (1) design and construction of parking garages or outdoor sports facilities; (2) South Carolina State Ports Authority, South Carolina Public Service Authority, South Carolina Research Authority, South Carolina Department of Corrections, and a public entity exempted by the Budget and Control Board; (3) projects exempted by the Budget and Control Board as the result of evidence that compliance is clearly not in the best interest of the project; and (4) projects in design or being constructed on the effective date of this legislation. The bill specifically provides that nothing in the legislation alters the State's Right to Work provisions which prohibit requirements that workers join or support unions and similar labor organizations.

The House amended, approved, and sent to the Senate **H.3456**, the "**ABANDONED MANUFACTURED HOME REMOVAL ACT**." The legislation provides a procedure for demolition and disposal of abandoned manufactured homes. The legislation provides for the notification that a landowner desiring to dispose of an abandoned manufactured home located on his property is to post on each door of the manufactured home for sixty consecutive days. The owner of the manufactured home and any lienholder have sixty days to respond, after the later of (1) the posting of the notice or (2) the mailing of the notice by certified mail, return receipt requested. If there is no response within that time, the legislation establishes the conditions under which the landowner may demolish the manufactured home and dispose of it without incurring liability. The legislation revises provisions relating to uncollectible real and personal property taxes, so as to allow the county auditor to waive and remove from the tax duplicate current and delinquent property taxes, assessments, costs, and fees from a manufactured home demolished and disposed of under this legislation.

The House approved and sent to the Senate **H.3481**, a bill pertaining to the **EXEMPTION FROM FIRE SPRINKLER CONTRACTOR PROVISIONS**. This bill provides that the provisions regulating fire sprinkler contractors do not apply to persons who are employed by public institutions to repair, alter, maintain, or inspect fire sprinkler systems, water spray systems, or water foam systems.

The House approved and sent to the Senate **H.3406**. This bill provides an **EXEMPTION FROM THE PROVISIONS OF THE LEWIS BLACKMAN PATIENT SAFETY ACT** for specialty hospitals under contract with the Department of Alcohol and Other Drug Abuse Services.

The House recommitted to the Agriculture, Natural Resources, and Environmental Affairs Committee **H.3021**, a bill revising the **OPEN SEASON FOR TAKING ANTLERED DEER**.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

On February 26, 2007, the full committee toured the Barnwell Low-Level Radioactive Waste Disposal Facility.

### EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Tuesday, February 27, 2007.

**H.3131** received a favorable with amendment report from the full committee. This bill authorizes the **ISSUANCE OF SPECIAL MOTOR VEHICLE LICENSE PLATES TO FORMER MEMBERS OF THE SOUTH CAROLINA DELEGATION OF THE UNITED STATES CONGRESS**.

The full committee gave a favorable with amendment recommendation to **H.3162**. This bill provides that the Commission on Higher Education (CHE) shall establish, appoint, and maintain the **SOUTH CAROLINA TEACHER LOAN PROGRAM ADVISORY COMMITTEE**. The bill outlines committee membership, and it sets forth committee responsibilities which include: establishing goals, facilitating communication among the cooperating agencies, advocating for program participants and advising the CHE on teacher loan program policies and procedures.

**H.3161**, relating to **SCHOOL BUSES**, received a favorable with amendment report from the full committee; there was a minority unfavorable report as well. This bill makes various revisions including:

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- With certain exceptions, this bill provides that a student may not ride continuously on a school bus for more than 90 minutes.
- The State Department of Education (SDE) is required to annually review bus routes to ensure efficiency and that buses are only operated on safe roads.
- Only a person who has been certified by the SDE may drive a public school bus.
- The bill requires certain drivers of vehicles using traffic control devices to receive training.
- The bill provides for parental responsibility at bus stops.
- With regards to seating spaces on buses, this bill provides that the number of students assigned to a school bus must not be greater than the manufacturer certified seating capacity; the bill does provide for limited exceptions.
- All publicly owned school buses must be inspected annually in compliance with the SDE annual school bus program. Certain privately owned buses must be inspected annually in compliance with applicable federal inspection requirements.
- All school buses are subject to inspection by the State Transport Police. A school bus may not continue to operate if the annual inspection is more than twelve months old. School buses may not operate until any unsafe conditions disclosed by the inspection are corrected.
- **Hazardous Transportation** State may assume the obligation of transporting students living within 1½ miles of their schools and within .5 miles of home where hazardous traffic conditions are involved provided funds are appropriated annually by the General Assembly for this purpose.
  - In these cases, the local school district must apply in writing to SDE for the State to assume the financial responsibility for this transportation from funds appropriated annually by the General Assembly for this purpose.
  - If funds are not appropriated annually by the General Assembly, then neither the State nor a local school district is required to assume this obligation.
  - The bill lists some factors considered pertinent to determining hazardous traffic conditions.
- **Unescorted Students** References and defines the term unescorted student.
  - School transportation for eligible unescorted students in Child Development through second grade provided funds are appropriated annually by the General Assembly for this purpose. Services will be provided to and from their residence to school.
  - Eligible unescorted students in the third through fifth grades will be provided school transportation services to and from school to

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within two tenths of a mile provided funds are appropriated by the General Assembly for this purpose

- If funds are not appropriated by the General Assembly, then neither the State nor a local school district is required to assume this obligation.
- Requires SDE to implement a school bus replacement cycle to replace approximately one-fifteenth of the fleet each year; this would require the purchase of 373 buses annually.
- Establishes a grant program to fund transportation of students to alternate public schools (magnet schools, Montessori schools, etc.)
  - School districts having alternative public schools may apply for grant funds to pay for the additional cost of transporting students to these schools.
  - Accomplished with funds appropriated by the General Assembly.
- SDE, when feasible, shall utilize biodiesel fuel.

[H.3285](#), pertaining to **CHARTER SCHOOLS**, was recommitted to the K-12 Education Subcommittee. On February 28, 2007, the bill was recalled from the Education and Public Works Committee.

The full committee gave a favorable with amendment recommendation to [H.3175](#), the **SOUTH CAROLINA CHILD DEVELOPMENT EDUCATION PROGRAM (CDEP) FOR AT-RISK CHILDREN**. Highlights of the legislation include:

- Creates the CDEP program beginning with 2008-09 school year; must be made available annually by all school districts to all at-risk four-year old children in the state; Student enrollment is voluntary;
- Defines “at-risk” as any child whose annual family income is 185% or less of federal poverty guidelines, making him eligible for free or reduced price lunch program, or any child eligible for Medicaid;
- Provides for enrollment for a second year, or at age five, “in rare instances;”
- Establishes priority order for serving children if funds are insufficient:
  - first, eligible children from trial and plaintiff districts in Abbeville County School District et.al. vs. South Carolina;
  - second, with any funds remaining, students must be served according to the percentage of poverty of the student’s annual family income, with first priority given to those students whose family income is at the lowest percentage.
- Public providers choosing to participate apply to the State Department of Education(SDE); Private providers choosing to participate apply to the Office of

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First Steps for School Readiness (First Steps); All providers must, among other requirements:

- Be approved, registered, or licensed by DSS;
  - Comply with laws and provisions prohibiting discrimination; comply with health and safety provisions and laws regarding employee criminal background checks; and comply with state/federal laws and requirements specific to program providers;
  - Report to the child's parent/guardian at least quarterly on the child's progress;
- Providers may limit enrollment based upon space available; if enrollment exceeds space, first priority must be given to children with lowest scores on readiness assessment;
  - Providers are not required to expand programs to serve all children desiring enrollment; if an approved provider is unable to serve all children desiring enrollment, each shall provide a list of all other approved public and private providers in the community;
- Parents may enroll a child in either an approved public or private program by:
  - Submitting to the provider by July first a prescribed application with a copy of the child's birth/immunization records and documentation of the child's eligibility;
- By applying, the parent agrees to comply with attendance policies; Attendance policies must state that the program consists of 6.5 hours of instruction time daily and operates at least 180 days per year;
- Parents are not required to pay tuition or fees but providers may charge for childcare outside the times of the instructional day;
- Annually, unexpended funds from the prior year must be carried forward and used by First Steps for nonrecurring expenditures to serve children up to three years of age;
- SDE and First Steps shall, among other requirements:
  - Develop the provider and the child enrollment application forms;
  - Develop a list of approved curricula as specified in the bill, and provide training and assistance to support its classroom use;
  - Develop a list of approved readiness assessments and provide assessments and technical assistance to support assessment administration;
  - Establish criteria for awarding new classroom equipping grants;
  - Establish criteria for the parenting program;
  - Establish a list of fields that meet the lead teacher qualifications;
  - Identify teacher preparation program options and assist lead teachers in meeting program requirements;

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- Establish criteria for granting student retention waivers and classroom size waivers.
- Providers must, among other requirements:
  - Employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver from SDE or First Steps;
  - Employ an education assistant trained in early childhood education;
  - Maintain classrooms with between 10 and 20 children, with an adult-child ratio of 1:10; Waivers of minimum class size may be granted on a case-by-case basis;
  - Offer a full-day, center-based program (6.5 hours per day, 180 school days) providing an approved research-based curriculum;
  - Engage parental participation, including at least two conferences per year;
  - Adhere to professional requirements outlined in the bill.
- Every classroom must have:
  - A lead teacher with at least a two-year degree in early childhood education or related field who is enrolled in and progressing towards completion of a teacher education program within four years;
  - At least one education assistant with at least a high school diploma or the equivalent, at least two years experience working with children under age five, and who shall have completed the Early Childhood Development Credential 101 or complete the course with 12 months of hire.
- Providers must require personnel to participate annually in at least 15 hours of professional development, to include teaching children from poverty;
- Public and private providers are eligible for student transportation funds:
  - Up to \$185 per student for SDE (public providers) and \$550 per eligible child for private providers, increased annually by the rate of inflation;
  - Providers are not responsible for transporting children outside of district lines;
- SDE (for public providers) and First Steps (for private providers) shall, among other requirements:
  - serve as fiscal agent;
  - verify student eligibility;
  - recruit, review, and approve providers and coordinate training for classroom providers;
  - receive, review and approve new classroom grant applications
  - coordinate activities with other private and public, including federal, providers to support the four-year old kindergarten programs;
  - maintain a database of the children enrolled in the program.



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- For the 2008-09 school year, the General Assembly shall provide \$3,931 per child, increased by the current year's rate of inflation;
  - Students enrolling with private providers during the school year shall be funded on a pro-rata basis;
- SDE (for public providers) and First Steps (for private providers) shall approve grants of up to \$10,000 per class for equipping new classrooms; Annual funding of up to \$2500 may also be provided for procurement of consumable and other materials in established classrooms;
- DSS shall maintain a list of approved public and private providers;
- The Education Oversight Committee (EOC) shall evaluate the CDEP Program beginning with the 2009-10 school year and report every three years on program quality and impact; the report shall include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for CDEP students;
- Beginning in 2008, SDE, First Steps, DSS, and the EOC shall collaboratively establish an ongoing public information campaign to apprise the public of the availability of the program and its options.

## JUDICIARY

The full Judiciary Committee met on Tuesday, February 27, 2007.

H.3355, relating to **PREREQUISITES FOR THE PERFORMANCE OF AN ABORTION**, received a favorable report from the full committee. This bill requires that the physician who is to perform the abortion must verify the probable gestational age of the embryo or fetus by using an obstetric ultrasound. The images used to verify the probable gestational age must be reviewed with the woman seeking the abortion, and the woman seeking the abortion must certify in writing before the abortion is performed that she has reviewed the ultrasound images.

The full committee gave a favorable with amendment recommendation to H.3025, a bill which enacts the “**REGISTRATION OF IMMIGRATION ASSISTANCE ACT.**” The stated purpose of this bill is to establish and enforce standards of ethics in the profession of immigration assistance by private individuals who are not licensed attorneys. The bill limits what immigration assistance a nonlawyer may provide as well as restricts certain activities of these nonlawyers providing immigration assistance for compensation. Exceptions are provided for attorneys and their staff, certain not-for-profit organizations, and other organizations employing or desiring to employ an alien so long as the organization does not seek compensation for the services provided. A person performing immigration assistance services is required to obtain appropriate business licenses; the bill outlines procedures for obtaining and renewing licenses with the Secretary of State. The bill requires nonattorneys to post signs and give notice in advertisements and communications clearly indicating that they are not attorneys or authorized to give legal advice or accept fees for legal services. The bill provides for

civil and criminal penalties; additionally, violations are subject to the provisions of the South Carolina Unfair Trade Practices Act.

**H.3032** received a favorable with amendment report from the Judiciary Committee. This bill creates a **HOUSE STUDY COMMITTEE TO STUDY THE APPROPRIATE ENFORCEMENT OF FEDERAL AND STATE LAWS RELATING TO THE PRESENCE OF ILLEGAL ALIENS IN THIS STATE** and to recommend legislative changes as appropriate. The bill outlines membership for the twelve-person committee. The Study Committee shall render its report and recommendations to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor no later than January 1, 2008. The Study Committee shall continue to meet after this date, if necessary, in order to make continuing recommendations to the General Assembly regarding the appropriate enforcement of federal and state laws related to the presence of illegal aliens in the State.

**H.3149**, relating to **ILLEGAL ALIENS AND PUBLIC BENEFITS**, received a favorable with amendment report from the full committee. This bill provides that a person may not receive food assistance payments, if the state administers the eligibility process, unless the person verifies that he is lawfully present in South Carolina. Verification includes the execution of an affidavit; false representations in the affidavit are considered perjury. This bill requires such a person to apply for these benefits through the Systematic Alien Verification of Entitlement Program or some other program operated the United States Office of Homeland Security. The provisions of this bill do not apply to an application for recipients under the age of 18. The Department of Social Services must enforce these provisions.

**S.146**, pertaining to **LAW ENFORCEMENT MULTI-JURISDICTIONAL TASK FORCES**, received a favorable recommendation. This bill provides that any municipal or county law enforcement officer may be transferred or assigned on a temporary basis to work within multi-jurisdictional task forces established for the mutual aid and benefit of the participating jurisdictions. Relating to agreements between multiple law enforcement jurisdictions for the purpose of criminal investigations, this bill provides that in the event of a crime or crimes that have occurred where multiple jurisdictions are involved, law enforcement officers are authorized to exercise jurisdiction within other counties or municipalities for purposes of the criminal investigations.

**H.3157**, relating to **EJECTMENT PROCEEDINGS**, received a favorable with amendment report from the full committee. Relating to requirements for service of rule on a tenant against whom ejectment proceedings are brought, this bill outlines a method of service by posting if the grounds of ejectment are circumstances that constitute malicious property damage or a threat to human life. Relating to tenant ejectment on failure to show cause, this bill requires magistrates to immediately issue a warrant for ejectment if grounds for ejectment constitute malicious property damage or a threat to human life and the tenant fails to show cause within five days of service. The term "malicious property damage" means to willfully and deliberately cause physical damage to rental property, and the landlord shall bear the burden of proof that the tenant had the intent to cause the property damage. The term "threat to human life" means a verbal, written, or physical threat by the tenant or a member of the tenant's household of physical bodily harm to the landlord, an employee of the landlord, or another tenant of the landlord.

[H.3249](#), which relates to **REGULATIONS**, received a favorable with amendment report from the full Judiciary Committee. In general, this bill requires an agency submitting a regulation to file the regulation with Legislative Council along with a detailed summary of the proposed changes. The bill requires that regulations be submitted in the same format as a bill (underline and strikethrough). Legislative Council shall notify all members of the General Assembly when regulations are submitted for review. A regulation will be deemed withdrawn if it has not become effective at the end of the two-year session in which it was submitted. A regulation may be withdrawn by the agency for any reason. Among other things, the bill requires specific agency power to modify or establish any fee set by regulation. Under the bill, an agency may not submit any regulation that went through public notice and comment period and was changed afterwards without the changes being raised, discussed or considered during the public comment period.

The full committee adjourned debate on the following bills:

- [H.3159](#), pertaining to **RELIGIOUS REFERENCES**
- [H.3142](#), providing for **FOUR-YEAR TERMS FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES**

The following bills were recommitted to their respective subcommittees:

- [H.3026](#), pertaining to **ILLEGAL ALIENS CHARGED WITH CERTAIN OFFENSES** (Constitutional Laws Subcommittee)
- [H.3029](#), relating to **ILLEGAL ALIENS AND PUBLIC EMPLOYMENT** (Constitutional Laws Subcommittee)
- [H.3201](#), pertaining to **RECREATIONAL POKER GAMES** (Criminal Laws Subcommittee)
- [H.3230](#), which prohibits **MORE THAN ONE NOMINATION FOR THE SAME OFFICE** (Election Laws Subcommittee)

## LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Tuesday, February 27, and reported out [H.3505](#), relating to the **JASPER COUNTY PORT FACILITIES**, favorable with amendments. This joint resolution directs the State Ports Authority to continue and bring to its earliest conclusion the condemnation action it has begun involving approximately one thousand eight hundred acres in Jasper County needed for these new terminal facilities. The joint resolution establishes a timeline for completion of site acquisition, engineering studies, market analysis, submission of environmental impact statements, application for necessary permits, site preparation, and design and construction of the Jasper County Port facilities and its supporting infrastructure. The joint resolution also establishes the Savannah River Maritime Commission to negotiate with the State of Georgia, the U.S. Army Corps of Engineers, and others regarding the use of the Savannah River as a waterway for ocean-going container or commerce vessels.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee met on Tuesday, February 27, 2007 and gave consideration to several bills.

The full committee recommitted [H.3317](#), a bill that makes **CHANGES TO THE GIFT OF LIFE TRUST FUND AND ORGAN AND TISSUE DONOR REGISTRY**, to Subcommittee I.

[H.3406](#) received a favorable report from the committee. This bill provides an **EXEMPTION FROM THE PROVISIONS OF THE LEWIS BLACKMAN PATIENT SAFETY ACT** for specialty hospitals under contract with the Department of Alcohol and Other Drug Abuse Services.

The full committee gave a favorable recommendation to [H.3362](#), a bill pertaining to **DEATH CERTIFICATES**. This bill requires an embalmer or funeral director to provide his name and license number on any death certificate filed with the Bureau of Vital Statistics.

[H.3452](#), relating to **COUNTY VETERANS AFFAIRS OFFICERS**, received a favorable report from the full committee. This bill extends the terms of a county veterans affairs officer from two years to four years. The bill also makes grammatical corrections.

## WAYS AND MEANS

The full committee did not meet this week.

## BILLS INTRODUCED IN THE HOUSE THIS WEEK

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

[H.3578](#) ***"SOUTH CAROLINA WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT"*** Rep. Gullick

This bill makes comprehensive revisions with regards to water rights and usage.

[H.3608](#) ***STATE COMMISSION ON FORESTRY*** Rep. Witherspoon

This legislation requires the State Commission on Forestry to manage forested land owned by a State agency and requires the land to be registered with the Commission under certain circumstances. The bill outlines the obligations of the Commission, State agencies, and the Office of the State Treasurer; the use of money generated by the sale

of certain forest products by the State; and the promulgation of regulations by the Commission.

**H.3609 “SOUTH CAROLINA EQUINE PROMOTION ACT” Rep. Witherspoon**

This bill establishes the “South Carolina Equine Promotion Act” and provides for the support of the program by means of an assessment on the sale of commercial horse feed. The bill outlines the rate and method of collection of the assessment and the manner in which the revenue derived from these assessments must be used. The legislation also creates The Equine Promotion Board and provides for the membership and duties of the Board.

**H.3614 YOUTH HUNTING DAYS REQUIREMENTS Rep. M. A. Pitts**

This bill amends the requirements for youth hunting days, so as to provide that a person who is less than eighteen years of age may be a youth hunter. Current law provides that a youth hunter is a person who is ten years of age through seventeen years of age.

**H.3622 “CHANDLER’S LAW” Rep. Ott**

This bill enacts “Chandler’s Law” relating to the operation of all-terrain vehicles (ATVs). The legislation mandates the regulation of the operation of ATVs by the Department of Natural Resources. A person at least six and not over sixteen years of age must complete a safety course before he may operate an ATV, and youth riders must also meet age requirements specific to the vehicle. Additionally, the bill provides that ATVs are exempt from ad valorem taxes beginning with calendar year 2007. The bill outlines penalties for certain violations and provides a procedure for the titling of ATVs.

## **EDUCATION AND PUBLIC WORKS**

**H.3603 EXEMPTION FROM THE STATE EXIT EXAMINATION Rep. E.H. Pitts**

This bill provides that any high school student in the eleventh or twelfth grade who was not a high school student in this State in any portion of the tenth grade is not required to take the state exit examination required to be administered at the end of a student's second year in high school, if he has accrued at least one thousand or more on the Scholastic Aptitude Test (SAT) or made an equivalent score on the ACT as determined by the State Department of Education.

**H.3617 DUTIES OF SCHOOL BUS DRIVERS Rep. F.N. Smith**

At the end of each school day, this bill provides that the bus driver shall deposit pupils at their appropriate bus stop sites only. If the bus driver is unsure of the pupil's appropriate bus stop site, he shall return the pupil to the school the pupil attends. The bus driver shall then contact the pupil's parent or guardian to inform the parent or guardian of the pupil's location. The bill further provides that no child under the age of twelve shall be left unattended at his school by a school bus driver.

## **JUDICIARY**

**S.268 CHARITABLE ORGANIZATIONS Sen. Alexander**

This bill revises provisions for registration under the South Carolina Solicitation of Charitable Funds Act, so as to allow charitable organizations to file their annual

registration on the same date that financial reports required the act must be filed. The legislation exempts from registration requirements of the South Carolina Solicitation of Charitable Funds Act charitable organizations that do not intend to solicit or receive in excess of seven thousand five hundred dollars during a calendar year regardless of whether the fundraising activities are conducted by professional solicitors, professional fundraising counsel, or commercial co-venturers.

**H.3588 REMOVAL OF THE CONFEDERATE FLAG Rep. Rutherford**

This bill prohibits the placement of any Confederate Flag on the grounds of the capitol complex and removes the current Confederate Flag flown on the south side of the Confederate Soldier Monument.

**H.3589 PARDONS Rep. Rutherford**

This bill provides that the Board of Probation, Parole and Pardon Services must expunge the criminal record of a person who has received a pardon.

**H.3590 "SOUTH CAROLINA RESTRUCTURING ACT OF 2007"**

**Rep. G.R. Smith**

This comprehensive legislation restructures State government.

**H.3595 "SOUTH CAROLINA LAW ENFORCEMENT SAFETY ACT OF 2007"**

**Rep. Clemmons**

This bill enacts the "South Carolina Law Enforcement Safety Act of 2007." The legislation provides that a person who is convicted of a violent crime must surrender his driver's license or special identification card to the court which must transmit it to the Department of Motor Vehicles together with notice of the crime. The legislation established circumstances under which the driver's license or special identification card is considered revoked and must not be returned to the person. The legislation provides that a person convicted of a violent crime must have a special undefined code affixed to the reverse side of his driver's license or special identification card that identifies the person as having been convicted of a violent crime. The legislation provides for: a fee to be charged for affixing the code and for its distribution; the intent for affixing the code; and a process for the removal of the code. The legislation provides that a driver's license application and a special identification card application must contain a statement to determine whether the applicant has been convicted of a violent crime and, if so, the crime, and also must contain a list of all violent crimes.

**H.3601 MUNICIPAL POLICE JURISDICTION Rep. Crawford**

Relating to powers conferred upon municipalities, this bill requires the consent of the sheriff of a county before municipal police jurisdiction maybe extended to unincorporated areas.

**H.3602 OPERATION OF A VEHICLE WITH A FALSE OR SECRET COMPARTMENT Rep. Crawford**

This bill provides that it is unlawful to operate a vehicle with a false or secret compartment or to install a false or secret compartment in a vehicle. Penalties are provided for violations.

**H.3604 PARENTAL RESPONSIBILITY FOR MINORS POSSESSING FIREARMS**

**Rep. Ballentine**

This bill provides that it is unlawful for a parent or guardian to intentionally, knowingly, or recklessly permit his child to possess a firearm which may be used in violation of the law regarding carrying firearms on school property. The bill provides for civil and criminal penalties.

**H.3605 ATTORNEY-CLIENT RELATIONSHIP Rep. Harrison**

If an attorney-client relationship exists between a lawyer and a fiduciary, this bill provides that communications between the lawyer and the fiduciary are subject to the attorney-client privilege unless waived by the fiduciary, even though fiduciary funds may be used to compensate the lawyer for legal services rendered to the fiduciary. The existence of a fiduciary relationship between a fiduciary and a beneficiary is not, or does not give rise to, a waiver of the privilege for communications between the lawyer and the fiduciary. A successor fiduciary is not entitled to disclosure of privileged communications between the lawyer and the predecessor fiduciary and is not entitled to waive the privilege between the lawyer and the predecessor fiduciary without prior written informed consent from the predecessor fiduciary.

**H.3606 VOTING PRECINCTS AND VOTING PLACES Rep. Whipper**

This bill provides that a voting place may not be established in a location that is gated, guarded, or where access is controlled by other than a polling place manager. All submissions to the United States Justice Department pursuant to the provisions of Title 7 (Voting Rights Act) must contain a statement that the proposed polling place is not within an area restricted to the general public.

**H.3607 WITHHOLDING OF HEALTH CARE FROM A CHILD FOR RELIGIOUS OR OTHER REASONS Rep. Taylor**

Relating to the withholding of health care from a child for religious or other reasons, this bill provides that a health care decision made for a child by the child's parent or guardian does not constitute abuse or neglect unless the Department of Social Services proves by a preponderance of the evidence that the treatment pursued by the guardian or parent is an unreasonable or imprudent treatment for the child's health condition. A parent or guardian may obtain a second medical opinion concerning whether a health care decision the parent or guardian makes for a child is reasonable and prudent. The bill also makes technical and conforming changes throughout.

**H.3611 CONFEDERATE MEMORIAL MONTH Rep. Bedingfield**

This bill provides that the month of May in every year is designated Confederate Memorial Month. South Carolinians are encouraged to sponsor and participate in appropriate observances of Confederate Memorial Month

**H.3616 UNLAWFUL DISMISSAL OR DEMOTION OF AN EMPLOYEE Rep. F.N. Smith**

This bill revises provisions for the liability of an employer for dismissal or demotion of an employee who complies with a subpoena or serves on a jury, so as to include in this provision an employee's attendance at a court proceeding at a prosecutor's request. The legislation provides for a criminal penalty against an employer who dismisses or demotes such an employee. The legislation also establishes a criminal penalty for an employer who discharges or demotes an employee who institutes a Workers' Compensation claim.

**H.3623 SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY Rep. Thompson**

This bill updates various statutes by referencing the South Carolina Criminal Justice Academy and making other technical revisions. The bill also provides for certain retired law enforcement officers to obtain certification if they meet certain requirements. The bill also requires a newly-elected sheriff to receive certain training.

**H.3624 NONALCOHOLIC BEVERAGES Rep. Herbkersman**

This bill increases from five to fourteen the maximum percentage of alcohol by weight in beers, ales, porters, and similar malt beverages that are considered nonalcoholic beverages.

## **LABOR, COMMERCE AND INDUSTRY**

**S.453 "FINANCIAL IDENTITY FRAUD AND IDENTITY THEFT PROTECTION ACT" Senate Banking and Insurance Committee**

This bill enacts the "Financial Identity Fraud and Identity Theft Protection Act." The legislation places new restrictions on the disclosure, maintenance, and disposal of personal identifying information. The legislation establishes new penalties for the misuse of personal identifying information of others.

**S.235 CREDIT UNIONS Rep. Hayes**

This bill revises the definitions of "deposit account" and "share account" under the South Carolina Credit Union Act. The legislation clarifies that a credit union may establish and close branches with the approval of the Board of Financial Institutions. The legislation provides that the powers granted by state law or regulation to a state-chartered credit union do not exceed those for a federally-insured financial institution. The legislation revises requirements of membership of a credit union, so as to eliminate the provision that a credit union presently does not have a credit union service available, and provide that the board approval is not necessary to add groups with not more than two hundred fifty potential members instead of one hundred. The legislation revises provisions relating to the board of a credit union, so as to provide that the bylaws may offer the option of using loan officers instead of a credit committee. The legislation requires that credit union bylaws must establish membership and member's right to vote, obtain loans, or hold office. The legislation revises imitations on the size of loan secured by real estate, so as to provide that loan terms for residential dwellings may not exceed forty instead of thirty years, and to provide that loans for certified appraisals must be the same as for state-chartered banks.

**H.3597 PETITIONS TO THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS Rep. Talley**

This bill provides that a person who has not satisfactorily complied with an education requirement or an examination required for licensure and registration as a professional land surveyor may petition the Board of Registration for Professional Engineers and Land Surveyors for an evaluation of his qualifications for licensure and registration based on his relevant practical experience.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3612 "HEALTHY SOUTH CAROLINIANS 2010 ACT" Rep. Rutherford**



This bill establishes the "Healthy South Carolinians 2010 Act" within The Department of Health and Environmental Control (DHEC). The bill mandates that the act be modeled after the federal Healthy People 2010. The bill further outlines the duties, goals, and objectives of DHEC including that the Department issue a report to the General Assembly each year regarding the status of disparities in health among minorities and nonminorities.

**H.3626 "ANN S. PERDUE HEART PATIENT SAFETY ACT" Rep. Vick**

This bill enacts "The Ann S. Perdue Heart Patient Safety Act" so as to provide that a hospital providing therapeutic heart catheterizations must have a cardiologist on site at all times. The bill provides that a hospital may only directly employ nursing personnel, and by January 1, 2009, these hospitals may not employ contract nursing personnel. The bill further provides that if a person dies in a hospital, then the patient's family has the right to have an autopsy performed by a pathologist who is not affiliated with the hospital. The coroner or medical examiner must also be notified when a person dies in a health care facility within twenty-four hours of having an invasive procedure performed.

**H.3629 PENALTIES FOR EMBALMERS Rep. Sandifer**

This bill amends the penalties imposed for violating regulations of embalmers and funeral directors, by increasing the minimum fine to one thousand dollars and by increasing the maximum fine to five thousand dollars.

**H.3631 NURSING LICENSURE REQUIREMENT Rep. Chalk**

This law amends the requirements for obtaining nursing licensure. The revisions include:

- The type of document that must be submitted for proof of identity and age.
- The scope of practice authorized for various levels of nursing and requirements for certain specified acts of nursing.
- The requirements for out-of-state nurses.
- The requirements for temporary and limited licenses.
- The requirements for demonstrating competency for initial and renewal licensure.

**H.3632 BACKGROUND CHECKS FOR NURSES Rep. Chalk**

This bill provides that the Department of Labor, Licensing and Regulation may require a criminal history background check of an applicant for licensure to practice nursing. Also, the department may require such a background check in connection with an investigation or disciplinary proceeding of a licensee.

## WAYS AND MEANS

**S.322 "SOUTH CAROLINA NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM ACT" Sen. Mescher**

This bill enacts the "South Carolina National Guard College Assistance Program Act" which provides for the Commission on Higher Education to award college assistance program grants to members of the South Carolina National Guard. An eligible member of the South Carolina National Guard may receive a grant up to an amount equal to one hundred percent of college tuition and fees, provided, however, the total of all grants

received may not exceed eighteen thousand dollars. A member may not qualify for college assistance program grants for more than one hundred thirty semester hours or related quarter hours. Grants are not to be awarded for graduate degree courses. The legislation eliminates provisions for one-half tuition South Carolina National Guard members and discontinues the existing loan repayment program.

**S.75 SOUTH CAROLINA TUITION PREPAYMENT PROGRAM CLOSED TO  
NEW PARTICIPANTS Sen. Ryberg**

This bill provides that the South Carolina Tuition Prepayment Program may not accept new participants and that the program shall remain in operation for existing participants.

**H.3579 "THE SOUTH CAROLINA AGRICULTURAL ASSESSMENT REFORM  
ACT OF 2007" Rep. Chalk**

This bill enacts "The South Carolina Agricultural Assessment Reform Act of 2007." The legislation revises the definition of "agricultural real property" for purposes of property tax reassessment and equalization, so as to define more fully "agricultural real property", including the requirement that the agricultural use be a commercial use and to provide for evidence of commercial use. The legislation revises other criteria for agricultural use property, so as to require that timberland property must be twenty-five acres or more and to eliminate the provision allowing a nontimberland tract that fails to meet the acreage or income criteria to retain the agricultural use classification so long as it has remained in the immediate family since that classification. The legislation revises provisions for the reassessment of real property every five years, so as to limit a property tax increase in the year of implementation of revised agricultural use standards. The legislation revises assessment ratio provisions for certain property classifications, so as to provide for updated criteria for determining fair market value of agricultural use property. The legislation requires that the property owners reapply for agricultural use classification each year of the countywide appraisal and equalization program. The legislation provides for the application of the rollback tax to certain agricultural property based on increased value. The legislation requires rollback taxes to be paid with the deed transferring real property where the increase in value meets certain criteria. The legislation limits application of the rollback tax to that property at a later date, and exempts from the rollback tax property sold at a foreclosure sale under specified circumstances. The legislation allows the Department of Revenue to review appeals of property classifications and audit sample reassessments so as to assure accurate results. The legislation revises penalties for falsely claiming agricultural use property, so as to make the penalty ten dollars for each acre falsely claimed.

**H.3580 PROPOSED STATE CONSTITUTIONAL AMENDMENT FOR NEW  
PROPERTY TAX CLASSIFICATION FOR LARGE TRACTS OF  
UNDEVELOPED LAND Rep. Chalk**

This joint resolution proposes an amendment to the South Carolina Constitution establishing an additional real property tax classification which provides that an undeveloped tract of land containing at least twenty-five acres and not qualifying for classification as agricultural real property must be taxed on an assessment equal to two percent of the fair market value of the property.

**H.3591 PROPERTY TAX EXEMPTION FOR A NEWLY ACQUIRED  
RESIDENCE**

**Rep. Huggins**

This bill exempts an amount of fair market value of a newly acquired owner-occupied residence sufficient to equal the assessed value of the taxpayer's original such residence if the taxpayer is at least fifty-five years of age, the new residence qualifies as the taxpayer's owner-occupied residence within twenty-four months of the transfer of the original residence, and if the fair market value of the newly acquired residence is equal to or less than the fair market value of the original residence.

**H.3592 MOTORCYCLES OF DISABLED VETERANS EXEMPTED FROM  
PROPERTY TAX Rep. Ballentine**

This bill exempts for property taxes a motorcycle owned or leased by and licensed and registered in the name of a disabled veteran of war and a legal resident of this State. This exemption applies to the surviving spouse of a qualified disabled veteran for the lifetime or until the remarriage of the surviving spouse.

**H.3594 PURCHASE OF EDUCATIONAL SERVICE IN THE SOUTH CAROLINA  
RETIREMENT SYSTEM Rep. Neilson**

This bill revises South Carolina Retirement System definitions, so as to add a principal, superintendent, or supervisor of classroom teachers in the definition of "educational service" as persons who may purchase educational service in the South Carolina Retirement System.

**H.3615 "LOCAL GOVERNMENT FISCAL ACCOUNTABILITY AND FAIRNESS  
ACT" Rep. G.R. Smith**

This bill enacts the "Local Government Fiscal Accountability and Fairness Act." The legislation imposes a limit on annual spending increases for operating purposes for political subdivisions and school districts equal to annual increases in the Consumer Price Index and the jurisdiction's population. Exceptions are provided. The legislation revises provisions relating to the Homestead Exemption Fund and its reimbursements to school districts, so as to roll back by one year the base year for purposes of a portion of these reimbursements and to make other technical and clarifying amendments with respect to these reimbursements, their schedule of payment, and the operation of the tax credit for county operating millage if any unexpended balance remains in the Homestead Exemption Fund.

**H.3627 HOMESTEAD EXEMPTION FUND Rep. Gullick**

This bill revises provisions for the Homestead Exemption Fund and the manner in which the school districts of the State receive revenues from the fund, so as to clarify the method of determining and calculating these payments and providing for the annual reimbursement adjustment based on statewide population growth to instead be based on school district population growth with a "hold harmless" provision. The legislation revises provisions for the schedule of the payments to school districts, specifying the source of the two and one-half million dollar minimum payment to a county for school districts in the county, and specifying when a remaining balance in the Homestead Exemption Fund is remitted to counties for purposes of the county operating millage property tax credit for owner-occupied residential property.

**H.3630 EMPLOYER MAY NOT PAY FOR INDIVIDUAL STATE EMPLOYEE'S  
PURCHASE OF RETIREMENT SERVICE CREDIT Rep. Umphlett**

This bill revises provisions for establishing and purchasing service credit in the South Carolina Retirement System and the South Carolina Police Officers Retirement System, so as to provide that in the case of state employees, an employer may not pay for any

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part of the cost for the state employee's purchase of service credit except when such payments are pursuant to a retirement incentive plan or the implementation of a reduction in force in which such payments are offered to all similarly situated agency employees.

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